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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

EBAY INC.

Plaintiff,

V.

DIGITAL POINT SOLUTIONS, INC.,  
SHAWN HOGAN, KESSLER'S  
FLYING CIRCUS, THUNDERWOOD  
HOLDINGS, INC., TODD DUNNING,  
DUNNING ENTERPRISE, INC.,  
BRIAN DUNNING,  
BRIANDUNNING.COM, and DOES 1-  
20,

### Defendants.

Case No. C 08-04052 JF

**[PROPOSED] ORDER DENYING  
DEFENDANTS' REQUESTS FOR  
JUDICIAL NOTICE**

Hearing Date: December 12, 2008  
Time: 9:00 a.m.  
Judge: Hon. Jeremy Fogel

Upon consideration of the Requests for Judicial Notice submitted by Defendants Todd Dunning and Dunning Enterprise, Inc.; Thunderwood Holdings, Inc., Brian Dunning and BrianDunning.com; Shawn Hogan and Digital Point Solutions, Inc.; and Kessler's Flying Circus, and eBay's Oppositions thereto, the Court hereby DENIES Defendants' requests for Judicial Notice.

IT IS SO ORDERED.

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Honorable Jeremy Fogel  
United States District Judge